

ATTN: MAIL STOP AF
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re the Application of:

McCall, Catherine A.
Hunter, Shirley Wu
Weber, Eric R.

Group Art Unit: 1644

Examiner: Nolan, Patrick J.

AMENDMENT AND RESPONSE
AFTER FINAL

Serial No.: 09/662,293

Filed: September 14, 2000

Atty. File No.: AI-2-C4

For: "NOVEL DERMATOPHAGOIDES
PROTEINS AND FRAGMENTS
THEREOF" (as amended)

<p>CERTIFICATE OF FACSIMILE TRANSMISSION</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO EXAMINER PATRICK J. NOLAN, FAX NO. 571-273-8300, ADDRESSED TO MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THIS 3RD DAY OF FEBRUARY 2006.</p> <p>HESKA CORPORATION</p> <p>By: <u>Susan Gordon</u> Susan Gordon</p>
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Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Final Office Action, mailed from the U.S. Patent and Trademark Office on September 20, 2005, and the Advisory Action, mailed from the U.S. Patent and Trademark Office on January 23, 2006, Applicants submit the following Amendments and Remarks. Applicants do not believe any fees are due, but in the event fees are due, please debit Deposit Account No. 081930.

See applied only

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REMARKS

The title has been amended to more accurately reflect the claimed invention.

Claim 66 has been amended by the removal of SEQ ID NO.'s which refer to fragments of the full length *Dermatophagoides farinace* (Derf) 98 kDa protein. The claim is now drawn to proteins comprising the full length sequence of the Derf 98 kDa protein.

Claim 74 has been amended so that it now claims an isolated "polypeptide" instead of an isolated "protein". Consequently, claims 75-80, which depend from Claim 74, have been similarly amended. In addition, in Claim 77 the phrase "amino acids" has been amended to read "amino acid".

1. Rejections Under 35 U.S.C. §112, first paragraph

Claims 66-68 were rejected by the Examiner for lack of enablement. Specifically, the Examiner has stated that SEQ ID NO's 1-11 and 13 are fragments, and proteins comprising such fragments are not enabled since it is unpredictable which proteins comprising which fragments would have the desired activity.

While Applicants disagree with the Examiner's position, in the interest of expediting prosecution, the claims have been amended. As discussed with Examiner Nolan in a telephonic interview on February 1, 2006, claim 66 has been amended by the removal of SEQ ID NO's referring to fragments, thereby obviating the instant rejection.

CONCLUSION

Applicants believe all of the newly submitted claims to be in condition for allowance. If any questions remain regarding this Application, the Examiner is invited to contact the undersigned at (970) 493-7272 ext. 4174.

Respectfully submitted,

Dated: February 3, 2006

By: 

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